



After reviewing the record of this matter *de novo*, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiffs' Objections, the court agrees with the conclusions of the Magistrate Judge. Defendants' timely filed their motion to dismiss the Complaint in this matter. (Dkt. No. 41). Therefore, they are not in default.

#### CONCLUSION

Based on the above, Plaintiff's motion for default judgment is **denied**.

**AND IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'RM Gergel', written over a horizontal line.

Richard Mark Gergel  
United States District Court Judge

November 2, 2010  
Charleston, South Carolina